United Nations CEDAW/C/MEX/CO/9

# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**

## Concluding observations on the ninth periodic report of Mexico*

1. The Committee considered the ninth periodic report of Mexico (CEDAW/C/MEX/9) at its 1608th and 1609th meetings (see CEDAW/C/SR.1608 and CEDAW/C/SR.1609), held on 6 July 2018. The Committee's list of issues and questions is contained in CEDAW/C/MEX/Q/9 and the responses of Mexico are contained in CEDAW/C/MEX/Q/9/Add.1.

### A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/MEX/CO/7-8/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It further appreciates the information provided electronically following the dialogue.

3. The Committee commends the State party on its multisectoral delegation, which was headed by the Undersecretary for Multilateral Affairs and Human Rights, Miguel Ruiz Cabañas, and included representatives of the Ministry of the Interior; the Office of the Attorney General of the Republic; the Ministry of Labour and Social Security; the Supreme Court; the electoral court of the Federal Judiciary; the National Commission of High Courts of Justice; the Commission for Gender Equality of the Chamber of Senators; the National Women's Institute; the National Commission for the Prevention and Eradication of Violence against Women; the Executive Commission for Victim Support; the Council of the Federal Judiciary; the Ministry of Foreign Affairs; the Ministry of National Defence; the Ministry of Public Education; the National Council for the Prevention of Discrimination; the National Electoral Institute; the Mexican Social Security Institute; the National Commission for the Development of Indigenous Peoples; the Executive Secretariat of the national system for the comprehensive protection of children and adolescents; the Ministry of Health; the Ministry of Agrarian, Territorial and Urban Development; the Federal Office of the Special Prosecutor for Investigating Offences Related to Acts of Violence against Women; the Executive Secretariat of the national public security system; the Judiciary

* Adopted by the Committee at its seventieth session (2–20 July 2018).



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of the State of Coahuila de Zaragoza and the Coahuila Women's Institute, as well as the Permanent Representative of Mexico to the United Nations and other international organizations at Geneva, Socorro Flores Liera, the Deputy Permanent Representative, Juan Raúl Heredia Acosta, and other delegates from the Permanent Mission. The Committee appreciates the constructive dialogue that took place between the delegation and the Committee.

## B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2012 of the State party's combined seventh and eighth periodic reports (CEDAW/C/MEX/7-8) in undertaking legislative reforms, in particular the adoption of the following:

(a) General Act on Enforced Disappearances, Disappearances Committed by Individuals and the National Missing Persons Search System, in 2017;

(b) National Planning Act, amended in 2018, which promotes gender equality and prohibits discrimination on the basis of sex;

(c) General Act on Preventing, Investigating and Punishing Torture and Other Cruel, Inhumane or Degrading Treatment, in 2017;

(d) Amendments to the Federal Act on Preventing and Eliminating Discrimination, including provisions prohibiting misogyny, homophobia and racial discrimination, in 2014, as well as hate speech, including expressions of sexism, in 2018;

(e) Amendments to the General Act on Women's Access to a Life Free from Violence, including a provision criminalizing feminicide, in 2016;

(f) Amendments to the Constitution (article 41) to provide for parity in legislative elections at the federal and local levels, in 2014;

(g) General Act on the Rights of Girls, Boys and Adolescents, which includes provisions on equal rights to education, health and participation for girls and boys, in 2014;

(h) Telecommunications and Broadcasting Act, which includes nine articles that promote gender equality in different areas, in 2014.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of the following:

(a) National programme for equal opportunities and non-discrimination against women, covering the period 2013–2018;

(b) National programme for equality and non-discrimination, covering the period 2014–2018;

(c) National programme on human rights, covering the period 2014–2018;

(d) Comprehensive programme to prevent, address, punish and eradicate violence against women, covering the period 2014–2018;

(e) National programme for the advancement and inclusion of persons with disabilities, covering the period 2014–2018;

(f) Agreement on gender equality and tackling violence against women in the media, signed in 2016;

(g) National strategy for the prevention of adolescent pregnancy, implemented in 2015.

6. The Committee welcomes the fact that, in 2015, the State party ratified the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization (ILO).

**Sustainable Development Goals**

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of their country and to adopt relevant policies and strategies to that effect.

## C. Parliament

**8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Congress of the Union, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.**

## D. Principal areas of concern and recommendations

**General context and gender-based violence**

9. The Committee acknowledges the efforts of the State party to overcome the general climate of violence and promote women's rights. It reiterates, however, its previous concerns (CEDAW/C/MEX/CO/7-8, para. 11) and regrets that the persistence of high levels of insecurity, violence and organized crime in the State party, as well as the challenges associated with public safety strategies, is negatively affecting the enjoyment by women and girls of their human rights. It is further concerned that the emergence of propaganda against gender equality in the State party may undermine achievements attained in recent years in the advancement of gender equality.

10. **The Committee reiterates its previous recommendations (CEDAW/C/MEX/CO/7-8, para. 12) and urges the State party:**

(a) **To strengthen its public security strategy to combat organized crime, in accordance with its international human rights obligations, including the Convention, and to eliminate the high levels of insecurity and violence that continue to affect women and girls;**

(b) **To adopt appropriate measures to raise awareness of women's human rights, through campaigns and public capacity-building designed and implemented with the active participation of women's organizations, and to address propaganda against gender equality.**

**Legislative framework and definition of discrimination against women**

11. The Committee welcomes the efforts made to strengthen harmonization of the legal framework with the Convention, including through amendments to article 73 of the Constitution that enable the Congress to expedite federal laws and the adoption of a national programme for equality and non-discrimination, covering the period 2014–2018. Nevertheless, it remains concerned that:

(a) The persistence of sex-based discriminatory provisions in legislation and the lack of harmonization among state-level civil and criminal codes continue to impede the effective implementation of the Convention and national gender equality legislation;

(b) The lack of effective mechanisms and the insufficient state-level budgetary allocations to implement and monitor the laws relating to gender equality and women's right to a life free of violence have failed to eliminate discrimination, notably intersecting forms of discrimination, in particular against indigenous women, Mexican women of African descent, migrant women, women with disabilities, lesbian, bisexual and transgender women and intersex persons;

(c) The absence of a unified criminal code and of a judicial mechanism to adjudicate cases of discrimination against women has resulted in low prosecution rates in cases of discrimination on the basis of sex.

12. **In accordance with the State party's obligations under the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and taking into account the positive efforts made through other general laws adopted by the State Party, the Committee recommends that the State party:**

(a) **Repeal any provisions in its legislation that discriminate against women and girls and harmonize legal definitions and sanctions for discrimination and violence against women;**

(b) **Reform article 73 of the Constitution to enable Congress to adopt a national criminal code regulating all criminal matters, including all crimes and sanctions, or to establish a minimum basis that fully guarantees the rights of women through a general law in criminal matters;**

(c) **Establish a judicial complaint mechanism to deal specifically with cases of discrimination against women and ensure that adequate human, technical and financial resources are allocated for its effective implementation, including training for the judiciary on the application of the Convention and other anti-discrimination legislation;**

(d) **Adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women, in particular indigenous women, Mexican women of African descent, migrant women, women with disabilities, lesbian, bisexual and transgender women and intersex persons.**

**Access to justice**

13. The Committee welcomes the efforts that have been made by the State party to improve access to justice for women, including the protocol for judging with a gender perspective. It is concerned, however, that deep-rooted institutional, structural and practical barriers continue to hinder women's gaining access to justice, including the following:

(a) Discriminatory stereotypes and limited knowledge of women's rights among members of the judiciary, legal practitioners and law enforcement officers, including the police;

(b) Stereotypical interpretative criteria and judicial bias in the resolution of cases and the lack of accountability of judges who fail to comply with gender-sensitive jurisdictional performance, combined with limited public access to judicial decisions;

(c) Financial, linguistic and geographic barriers to gaining access to justice faced by low-income, rural and indigenous women and women with disabilities;

(d) Limited awareness among women of information about their rights under the Convention and the legal remedies available to them, including victims of gender-based violence, and the low rate of prosecution in such cases.

14. **In accordance with the Convention and with the Committee's general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure systematic and mandatory capacity-building of judges, prosecutors, public defenders, lawyers, police and other law enforcement officers, at the federal, state and local levels, on women's rights and gender equality, to eliminate discriminatory treatment of women and girls;**

(b) **Adopt effective measures to ensure the implementation of the Supreme Court protocol for judging with a gender perspective throughout the judiciary at the federal and state levels, ensure accountability for judges who discriminate against women and review the General Act on Transparency and Access to Public Information of 2015 to ensure publication of all court decisions;**

(c) **Ensure that information on legal remedies is available to women who are victims of gender-based violence and all forms of discrimination, including in indigenous languages and in formats accessible to women with disabilities, and introduce a system of mobile courts and free legal aid aimed at facilitating access to justice for women living in rural and remote areas;**

(d) **Encourage women to report incidents of gender-based violence, including domestic violence, ensure that women who are victims of discrimination and gender-based violence have access to timely and effective remedies and guarantee that all cases of gender-based violence against women are effectively investigated and that perpetrators are prosecuted and adequately punished.**

### National machinery for the advancement of women and gender mainstreaming

15. The Committee welcomes the development of a national gender equality policy and the creation of various mechanisms to promote gender equality, including gender equality units. Nevertheless, it is concerned about the following:

(a) The limited human, technical and financial resources allocated to the National Women's Institute to promote gender equality and to support the Institute's role as the principal coordinating body for the national system for equality between women and men;

(b) The fact that, despite the increase in allocations aimed at ensuring equality between women and men, outlined in annex 13 of the federal budget, the amount allocated remains insufficient;

(c) The lack of systematic and institutionalized coordination, at the federal, state and municipal levels, among the mandates of the three main bodies that constitute the national system for equality between women and men;

(d) The absence of comprehensive monitoring and impact evaluation mechanisms for gender mainstreaming, including the limited dissemination and use of data disaggregated by sex and clearly targeted indicators;

(e) The insufficient participation of women's organizations in the design and monitoring of public policies on gender equality.

16. **The Committee recommends that the State party:**

(a) **Increase the human, technical and financial resources of the National Women's Institute and enhance its capacity to promote and monitor the implementation of gender equality policies, by strengthening its role within the regulatory framework that governs gender mainstreaming, at the federal and state levels;**

(b) **Adopt an integrated gender-responsive budgeting process and allocate adequate budgetary resources for the implementation of women's rights, ensure the application of effective monitoring and accountability mechanisms across all sectors and levels of government and improve the system for tracking the allocation of resources for women;**

(c) **Strengthen efforts aimed at ensuring systematic and institutionalized coordination between the National Women's Institute and state and municipal women's offices;**

(d) **Introduce effective monitoring, evaluation and accountability mechanisms to address the structural factors causing persistent inequalities and enforce the integrated approach to gender mainstreaming on the basis of compliance with relevant targets and indicators and effective data collection;**

(e) **Strengthen the participation of women's organizations and other non-governmental organizations in the design and monitoring of the implementation of gender equality policies;**

(f) **Ensure that the national programme for equal opportunities and non-discrimination against women for the period 2013–2024 incorporates the advancements already made through the previous programme, which covered the period 2013–2018.**

### Temporary special measures

17. The Committee welcomes the progress achieved by the State party in facilitating the participation of women in political and public life through the national programme for equal opportunities and non-discrimination against women covering the period 2013–2018). It is concerned, however, about the limited application of temporary special measures to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention.

18. **The Committee recommends that the State party strengthen the use of temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a strategy necessary to accelerating the achievement of substantive equality in all areas of the Convention where women are underrepresented or disadvantaged.**

**Stereotypes**

19. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes, including the signing, in 2016, of an agreement for gender equality and tackling violence against women in the media. Nevertheless, it remains concerned that:

(a) Persistent discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, as well as intersecting forms of discrimination and the deep-rooted machismo culture in the State party, continue to impede progress in advancing gender equality;

(b) The normalization of violence against women and stereotyped and sexualized images of women in mainstream media;

(c) Stereotyped media portrayals and negative images of indigenous women, Mexican women of African descent, migrant women and refugee and asylum-seeking women.

20. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy targeting women, men, girls and boys to overcome the machismo culture and discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society and to eliminate intersecting forms of discrimination against women;**

(b) **Develop an education strategy for media professionals comprising guidelines and monitoring mechanisms to eliminate discriminatory stereotypes against women and encourage gender-sensitive media coverage, in particular in electoral campaigns, introduce measures to promote equal representation of women and men in the media and fully implement the agreement for gender equality and tackling violence against women in the media, to ensure adequate sanctions and enforcement powers in addressing discriminatory gender stereotypes;**

(c) **Introduce measures to encourage the media to promote positive images of indigenous women, Mexican women of African descent, migrant women and refugee and asylum-seeking women.**

**Harmful practices**

21. The Committee is concerned about the limited provisions prohibiting unnecessary medical procedures on intersex children and the inadequate support and lack of effective remedies for intersex persons who have undergone medically unnecessary surgical procedures.

22. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee of the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party adopt provisions explicitly prohibiting the performance of unnecessary surgical or other medical procedures on intersex children until they reach an age when they can give their free, prior and informed consent and provide families of intersex children with adequate counselling and support.**

**Gender-based violence against women**

23. The Committee welcomes the significant legislative and institutional measures taken by the State party to combat the high levels of gender-based violence in the State party. It remains deeply concerned, however, about the following:

(a) The persistent patterns of widespread gender-based violence against women and girls across the State party, including physical, psychological, sexual and economic violence, as well as the increase in domestic violence, enforced disappearances, sexual torture and murder, especially feminicide;

(b) The fact that the aforementioned crimes are often perpetrated by State and non-State actors, including organized crime groups;

(c) The incomplete harmonization of state-level legislation with the General Act on Women's Access to a Life Free from Violence to criminalize feminicide;

(d) The high incidence of enforced disappearances targeting women, who are either directly affected as the disappeared person or indirectly affected as a consequence of the disappearance of a family member, in which case the burden often falls on women to not only search for the disappeared person and initiate an investigation, but also be the main provider for the family;

(e) The persistent obstacles that continue to prevent the effective implementation of the gender violence alert mechanism at the federal, state and municipal levels;

(f) The reported use of violence by State and non-State actors against lesbian, bisexual and transgender women;

(g) The limited use of statistical data on violence against women, disaggregated by type of violence and relationship between perpetrator and victim;

(h) The limited progress made in resolving the case concerning Pilar Arguello Trujillo, further to the recommendation of the Committee in *Trujillo Reyes and Arguello Morales v. Mexico* (CEDAW/C/67/D/75/2014), despite the assurances provided by the State party that it is reviewing the case.

24. **The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:**

(a) **Adopt urgent measures to prevent the violent deaths, killings and enforced disappearances of women, including by addressing the root causes of such violence, such as armed violence, organized crime, drug trafficking, discriminatory stereotypes, poverty and the marginalization of women;**

(b) **Investigate, prosecute and adequately punish perpetrators, including State and non-State actors, as a matter of priority;**

(c) **Ensure that feminicide is criminalized in all state penal codes in accordance with the General Act on Women's Access to a Life Free from Violence, standardize police investigation protocols for feminicide across the State party and ensure the effective enforcement of criminal law provisions on feminicide;**

(d) **Simplify and harmonize procedures at the state level to activate the Amber Alert programme and the Alba Protocol and to accelerate the search for disappeared women and girls, adopt targeted policies and protocols to mitigate the risks associated with the disappearance of women and girls, such as feminicide and human trafficking in women and girls for sexual exploitation and forced labour, and ensure that the Executive Commission for Victim Support strengthens its gender sensitive approach;**

(e) **Evaluate the impact of the gender violence alert mechanism, to ensure harmonized and extended implementation and coordination at the federal, state and municipal levels, and ensure the participation of non-governmental**

**organizations, academic experts, gender and human rights advocates and women who were victims of violence;**

(f) **Address the lack of protection measures to ensure the dignity and physical integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society;**

(g) **Strengthen mechanisms to systematically collect data on violence against women and girls, including feminicide and enforced disappearances, disaggregated by type of violence and relationship to perpetrator;**

(h) **Accelerate the resolution of the case concerning Pilar Arguello Trujillo, as recommended by the Committee in its views concerning *Trujillo Reyes and Arguello Morales v. Mexico*, as a matter of priority, with a view to encouraging the resolution of other such cases in the future.**

### Women and peace and security

25. The Committee welcomes the State party's efforts to encourage women to join the armed forces, especially in high-ranking positions. Nevertheless, it is concerned about the limited participation and inclusion of women in processes and strategies aimed at addressing the situation of widespread violence and insecurity in the country, including organized crime.

26. **Recalling the Convention and the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) **Develop a national action plan, in cooperation with women's civil society organizations, to ensure the participation of women in addressing the situation of insecurity, violence and organized crime in the country;**

(b) **Introduce temporary special measures to further encourage women to join the armed forces, especially in high-ranking positions;**

(c) **Adopt measures to build the capacity of women and girls, including through women's civil society groups, to engage in efforts to counter insecurity and violence against women.**

### Women human rights defenders

27. The Committee notes with concern that women human rights defenders and journalists are subjected to various and increasing manifestations of violence, seemingly committed by State agents in some cases. The Committee is further concerned about reports indicating that attacks on social media and digital platforms are being used as tools by anonymous groups to incite violence against women human rights defenders and journalists.

28. **The Committee recommends that the State party take concrete and effective measures to fully implement the federal mechanism to protect human rights defenders and journalists, in a gender-sensitive manner and across all states, to prevent, investigate and prosecute attacks and other forms of abuse against women human rights defenders and journalists, and punish the perpetrators thereof, and that it take effective measures to combat impunity.**

### Trafficking and exploitation of prostitution

29. The Committee welcomes the efforts to combat trafficking in the State party, including through the adoption, in 2012, of the General Act for the Prevention,

Punishment and Eradication of Crimes of Trafficking in Persons and for the Protection and Assistance of Victims. It is concerned, however, about the following:

(a) The lack of harmonized and coordinated mechanisms at the state and municipal levels to ensure the effective implementation of the Act;

(b) The lack of a comprehensive anti-trafficking strategy and the limited use of data on victims of trafficking or information on the extent of trafficking in the State party, disaggregated by sex and age, in particular with regard to trafficking for purposes other than sexual exploitation;

(c) The low prosecution and conviction rates in cases of trafficking and the revictimization of women and girls, some of whom are reportedly subjected to prosecution rather than receiving victim support;

(d) The insufficient assistance, rehabilitation and reintegration measures for victims, including the inadequate number of shelters and the limited access to counselling, medical treatment, psychological support and redress, such as compensation for victims of trafficking, in particular migrant women;

(e) The reported complicity between State agents and international organized crime gangs and the resulting corruption and impunity, as well as insufficient coordination with neighbouring countries in relation to the prevention of trafficking, support for victims and the prosecution of perpetrators.

30. **The Committee recommends that the State party:**

(a) **Allocate adequate human, technical and financial resources to the effective and harmonized implementation of the General Act for the Prevention, Punishment and Eradication of Crimes of Trafficking in Persons and for the Protection and Assistance of Victims across all states;**

(b) **Strengthen the mechanisms and policies in place to combat trafficking and ensure that they have adequate technical, financial and human resources, including for the training of labour inspectors, police and border officials so that they are better able to identify forced labour, trafficking and related offences committed against women and girls, and systematically collect and analyse data, disaggregated by sex and age, on trafficking in persons;**

(c) **Investigate, prosecute and adequately punish perpetrators of trafficking in persons, especially women and girls, and develop national guidelines for the early identification and referral of victims of trafficking to appropriate social services so as to avoid revictimization;**

(d) **Strengthen support to women who are victims of trafficking, in particular migrant women and indigenous women, by ensuring adequate access to health care, counselling services and redress, including reparations and compensation, and the provision of adequate shelters;**

(e) **Enhance regional cooperation with countries of origin and destination in order to prevent trafficking, through the exchange of information and the harmonization of procedures; strengthen institutional mechanisms, especially at the local level, with a view to combating corruption; and systematically and duly investigate incidents of complicity between State agents and organized crime gangs and ensure that the perpetrators are effectively prosecuted and punished with adequate sentences and disciplinary measures and that victims are provided with reparations or compensation.**

31. The Committee is concerned about the reports of police violence and extortion committed against women in prostitution, as well as their arbitrary arrest and detention without warrants. It is further concerned about the limited information on

their situation and the absence of specific services and programmes for women in prostitution, including exit programmes for women wishing to leave prostitution.

32. **The Committee recommends that the State party take effective measures to protect women in prostitution from exploitation and abuse, carry out a study on the root causes and extent of prostitution and use the outcomes of the study to develop services and support programmes for women in prostitution, including exit programmes for women wishing to leave prostitution.**

### Participation in political and public life

33. The Committee welcomes the progress achieved by the State party in increasing the participation of women in political and public life, in particular the establishment of the Observatory on the Political Participation of Women, and the increased number of women candidates voted into office during recent elections. Nevertheless, the Committee is concerned about the following:

(a) Structural barriers to access for women to political and public life, in particular with regard to decision-making in appointed positions and in political parties;

(b) Discrimination on the basis of gender and race within political parties, which continues to hinder women from standing for election at the state and municipal levels;

(c) Increased political violence against women, the lack of a harmonized normative framework categorizing political violence as a crime and the low levels of prosecution of perpetrators, which may deter women from standing for election at all levels, but especially at the municipal level.

34. **The Committee reiterates its recommendation to the State party that it make full use of general recommendation No. 23 (1997) on women in political and public life so as to accelerate the full and equal participation of women in the executive branch and the judiciary, especially at the local level. It calls upon the State party to:**

(a) **Establish concrete goals and timetables to strengthen the equal participation of women in public and political life at all levels and create the necessary conditions for the achievement of such goals;**

(b) **Adopt measures to address de jure and de facto discriminatory practices within political parties that discourage women, including indigenous and Mexican women of African descent, from standing for election at the federal, state or municipal levels;**

(c) **In line with general recommendation No. 35, take steps to harmonize state legislation to recognize political violence against women as a crime, establishing clear responsibilities for the federal, state and municipal authorities in terms of prevention, support, prosecution and sanction.**

### Nationality

35. While welcoming the constitutional reform of 2014 by which the right to birth registration was recognized and the recent simplification of the process for the required registration at the consulate of Mexico of children born in the United States of America to Mexican parents, the Committee is concerned that the number of indigenous children, Mexican children of African descent and migrant children living in remote areas who are registered at birth remains low.

36. **The Committee recommends that the State party ensure universal birth registration, including by ensuring that registry offices or mobile units are available in all maternity units, at the main points of transit or destination of migrants and in communities where children are born and by strengthening the process to accelerate the registration of children born in the United States of America to Mexican parents who have returned to the State party.**

**Education**

37. The Committee welcomes the efforts of the State party to increase enrolment by women and girls in non-traditional areas of studies such as science, technology, engineering and mathematics and vocational training. It is concerned, however, about the following:

(a) The persistence of structural barriers to access for women and girls to high-quality education, in particular at the secondary and tertiary levels, due to limited budgetary allocations in some states, poor school infrastructure, a shortage of teaching materials and a lack of qualified teachers, especially in indigenous communities and in rural areas;

(b) The inadequate financial and human resources allocated for the full implementation of the national strategy for the prevention of adolescent pregnancy in all states may prevent pregnant girls and young mothers from reintegrating into education;

(c) The persistent underrepresentation of women and girls in traditionally male-dominated fields of study, such as science, technology, engineering and mathematics;

(d) The inadequate and inconsistent application of curricula on sexual and reproductive health and rights across all states;

(e) The lack of effective mechanisms for preventing, punishing or eradicating sexual abuse and harassment and other forms of violence in schools.

38. **Recalling article 10 of the Convention and its general recommendation No. 36 (2017) on the right of women and girls to education, the Committee recommends that the State party:**

(a) **Increase budgetary allocations to ensure full implementation of the new education model of 2017 across all states and to allow for the upgrading of school infrastructure, especially in indigenous communities and in rural areas, and to enhance the supply of essential and accessible teaching and learning materials;**

(b) **Ensure that sufficient human and financial support is available for the full implementation of the national strategy for the prevention of adolescent pregnancy and strengthen support mechanisms to encourage pregnant girls and young mothers to continue their education during and after pregnancy, including by providing affordable childcare facilities, informing pregnant girls of their rights and imposing fines on educational institutions that expel pregnant girls and/or deny young mothers the opportunity to reintegrate into education;**

(c) **Address discriminatory stereotypes and structural barriers that may deter girls from progressing beyond secondary education and enhance initiatives that encourage the enrolment of girls in traditionally male-dominated fields of study, such as science, technology, engineering and mathematics;**

(d) **Ensure age-appropriate, evidence-based and scientifically accurate comprehensive sexuality education for girls and boys;**

(e) **Implement measures to prevent, punish and eradicate all forms of violence against women and girls in public educational institutions.**

### Employment

39. The Committee welcomes the ongoing efforts to promote the integration of women into the labour market, including through amendments to the Federal Labour Act. It is concerned, however, about the following:

(a) The low economic participation among women in the State party (44 per cent compared with 78 per cent of men);

(b) The persistent gender pay gap (5.8 per cent in 2017) in both the public and private sectors;

(c) The unequal distribution of domestic and care work between women and men and the short periods of paternity leave, which force many women into low-income, part-time jobs in the informal sector;

(d) The precarious situation of women domestic workers who, on average, earn less than half the minimum wage, are unable to gain access to social security or health benefits and are not covered by the legal protections provided under the Act;

(e) The limited access for migrant, indigenous women, Mexican women of African descent and women with disabilities to the formal labour market.

40. **The Committee reiterates its previous recommendations (CEDAW/C/MEX/CO/7-8, para. 29) and recommends that the State party:**

(a) **Adopt measures to increase access for women to the formal labour market and promote the employment of women in non-traditional, higher-paid sectors, as well as to create employment opportunities for disadvantaged groups of women, through the use of temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25;**

(b) **Enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100) of ILO and strengthen efforts to narrow and close the gender pay gap, including by adopting further measures such as gender-neutral analytical job classification and evaluation methods and regular pay surveys;**

(c) **Monitor and enforce the legislation promoting and protecting maternity leave, strengthen incentives for men to avail themselves of their right to parental leave and expedite the adoption of the national care policy to provide sufficient and adequate childcare facilities;**

(d) **Amend the Federal Labour Act to ensure its application to domestic workers, undertake regular labour inspections of private households and ratify the Domestic Workers Convention, 2011 (No. 189) of ILO as a matter of priority.**

### Health

41. The Committee reiterates its previous concerns (CEDAW/C/MEX/CO/7-8, para. 30) and takes note of the State party's efforts to strengthen and harmonize the General Victims Act at the federal and state levels in relation to abortion in cases of rape, as well as the introduction of a national strategy for the prevention of adolescent pregnancy. It is concerned, however, about the following:

(a) Provisions in criminal legislation at the state level that restrict access to legal abortion and that continue to force women and girls to resort to unsafe abortion at the risk of their health and life;

(b) Inconsistencies between the state criminal codes that hinder the effective implementation of article 35 of the General Victims Act and Mexican official standard NOM-046-SSA2-2005 on domestic and sexual violence and violence against women, which legalizes abortion in case of rape;

(c) Amendments made in 2018 to the General Health Act that provide for conscientious objection by health personnel and may constitute barriers for women in gaining access to safe abortion and emergency contraception, especially in rural and remote areas;

(d) Reported incidents of obstetric violence by health personnel during childbirth;

(e) The disproportionately high rates of maternal mortality among women from indigenous communities;

(f) Reports of the forced sterilization of women and girls and of limited access to reproductive health services, in particular for women and girls with mental and other disabilities.

42. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Increase efforts to accelerate the harmonization of federal and state laws and protocols on abortion, with a view to guaranteeing access to legal abortion and ensuring access to post-abortion care services irrespective of whether abortion has been legalized;**

(b) **Harmonize relevant federal and state laws with the General Victims Act and Mexican official standard NOM-046-SSA2-2005 on domestic and sexual violence and violence against women and adequately inform and train medical personnel so as to ensure specialized attention for women and girls who are victims of sexual violence, including the provision of essential services for emergency contraception and abortion;**

(c) **Develop the protocols necessary for the implementation of the amendments to the General Health Act, which permit conscientious objection as long as it doesn't place the life of the mother at risk and does not impede women and girls from gaining access to legal abortion, and ensure that in such cases women and girls are referred to another appropriate provider;**

(d) **Harmonize federal and state laws to define obstetric violence as a form of institutional and gender-based violence, in accordance with the General Act on Women's Access to a Life Free from Violence, and ensure effective access to justice and comprehensive reparations to all women who are victims of obstetric violence;**

(e) **Reduce the incidence of maternal mortality, including through collaboration with traditional midwives and the training of health professionals, especially in rural areas, by ensuring that all births are attended by skilled health personnel, in line with targets 3.1 and 3.7 of the Sustainable Development Goals;**

(f) **Ensure that fully informed consent is systematically sought by medical personnel before sterilizations are performed, that practitioners performing sterilizations without such consent are adequately punished and that redress and financial compensation are available to women who are victims of non-consensual sterilizations.**

**Economic empowerment and social benefits**

43. The Committee welcomes the State party's continued efforts to reduce poverty. It remains concerned, however, about the following:

(a) The high levels of poverty and inequality faced by disadvantaged and marginalized groups of women, especially indigenous women, Mexican women of African descent and women heads of households;

(b) The fact that the social security system does not adequately protect women because of their involvement in unpaid care work and because many are employed in the informal sector;

(c) The limited access for women to microcredit and loans;

(d) The low participation of women in leadership roles in the area of disaster risk reduction and management, in particular at the local level, despite the inclusion of a gender perspective in its national climate change policy of 2012.

44. **The Committee recommends that the State party:**

(a) **Strengthen its national poverty reduction strategy with a focus on the most disadvantaged and marginalized groups of women, in particular indigenous women, Mexican women of African descent and rural women, by ensuring that development and the implementation of the Sustainable Development Goals are fully inclusive, and encourage the active participation of women in the formulation and implementation of poverty reduction strategies;**

(b) **Increase access for women to the national social security system and develop coordinated social protection and compensation programmes for women;**

(c) **Allocate additional earmarked financial resources for increasing access to microcredit, loans and other forms of financial credit for women in order to promote entrepreneurship among women and empower them economically, in particular with regard to indigenous women, Mexican women of African descent and women with disabilities;**

(d) **In accordance with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, accelerate the participation of women in decision-making and recovery processes relating to disasters at all levels, in particular the local level, and continue efforts aimed at integrating a gender perspective into all sustainable development policies, as well as into disaster risk reduction and post-disaster management.**

**Rural and indigenous women**

45. The Committee welcomes the introduction of the conditional cash transfer system and the "national crusade against hunger" strategy, as well as the national financing programme for micro-entrepreneurs and rural women. It is concerned, however, that rural women, in particular those in isolated communities, indigenous women and Mexican women of African descent, continue to face intersecting forms of discrimination. The Committee is especially concerned about the following:

(a) The fact that they are disproportionately affected by poverty and face barriers in accessing health care, education and employment opportunities in the formal sector;

(b) The fact that, despite recent improvements in access to land, rural and indigenous women continue to have limited access to land titles and inadequate

representation in decision-making positions in relation to access to *ejidos* (communal landholdings) and other types of communal lands;

(c) The limited implementation of the principle of free, prior and informed consent and the lack of consultations with indigenous women and Mexican women of African descent in connection with development projects affecting their collective rights to land ownership, as well as the consequences of forced evictions of indigenous women and Mexican women of African descent from lands traditionally occupied or used by them and of their dispossession of such lands as a result of rural development projects, without the provision of alternative livelihood opportunities;

(d) The insufficient institutional support to ensure that indigenous women have adequate access to health care, education and employment opportunities and that they are able to preserve and transmit their traditional way of life.

46. **In line with the Convention and its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Increase the financial, human and technical resources allocated to education and health care for rural and indigenous women and undertake targeted measures to create equal opportunities, in practice, in the labour market for indigenous women, Mexican women of African descent and rural women;**

(b) **Expand access for indigenous and rural women to land ownership and tenure, including by ensuring their adequate representation in decision-making positions in relation to access to *ejidos* and other types of communal lands;**

(c) **Establish a legal framework to regulate and ensure that development, agro-industrial and other business projects are implemented only with the free, prior and informed consent of affected indigenous women, Mexican women of African descent and rural women and include the provision of alternative livelihood opportunities and benefit-sharing agreements concerning the use of their natural resources and lands in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO;**

(d) **Strengthen institutional support to ensure indigenous women's access to basic services, including water and sanitation, and employment opportunities and enhance the recognition and preservation of their traditional cultural practices.**

### Migrant, refugee and asylum-seeking women

47. The Committee welcomes the establishment of the Unit for the Investigation of Crimes against Migrants, as well as its "migration is not a crime" campaign. It notes with concern, however, that migrant women continue to face automatic detention on the basis of the Migration Act, that the pilot release programme is not available in all states and that many asylum-seeking women and girls do not have effective access to asylum procedures. It is also concerned that the rights of migrants, refugees and asylum-seekers to work and to access to health services and housing is not guaranteed in all states. It is further concerned about the impact of enforced disappearances on migrants and the high levels of gender-based violence, in particular in the parts of the country on the border with the United States of America.

48. **The Committee recommends that the State party:**

(a) **Revise the Migration Act, with a view to abolishing automatic detention, and, in the interim, expand the release programme to all states;**

(b) **Ensure effective access to fair, efficient and gender-sensitive refugee status determination procedures;**

(c) **Ensure that the rights of migrant, refugee and asylum-seeking women and girls to health services, housing and employment are implemented in all states;**

(d) **Ensure that all necessary services with regard to employment, health care, psychological counselling, education and participation in public affairs are made available to migrant, refugee and asylum-seeking women;**

(e) **Ensure that all cases of enforced disappearances of migrant women are effectively investigated and that perpetrators are prosecuted and punished, to a degree commensurate with the gravity of the crime committed.**

### Women in detention

49. The Committee welcomes the initiatives adopted to reduce preventive detention and apply non-custodial measures. It remains concerned, however, about the conditions in many detention centres, especially those situated in remote areas, that limit access for women to health services, including obstetric and gynaecological care, to justice services and to rehabilitation and reintegration opportunities and their contact with family members.

50. **The Committee recommends that the State party further strengthen the reform of the prison system and harmonize the use of non-custodial sanctions and measures in all states. The Committee further recommends that the State party improve prison conditions, in particular to ensure access to adequate health-care services, including obstetric and gynaecological care, and to justice services, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.**

### Marriage and family relations

51. The Committee welcomes the provisions of article 45 of the General Act on the Rights of Girls, Boys and Adolescents that increase the minimum age of marriage to 18 for both girls and boys. Nevertheless, it is concerned about the effective implementation of the provision at the state level. It is further concerned about reports of forced marriage, especially in indigenous communities.

52. **In line with joint general recommendation No. 31, the Committee recommends that the State party ensure the effective implementation of article 45 of the General Act on the Rights of Girls, Boys and Adolescents by ensuring that the minimum age of marriage of 18 years of age for both girls and boys is reflected in the laws of all states and effectively enforced throughout the State party. It further recommends that the State party conduct comprehensive awareness-raising campaigns to challenge cultural attitudes that legitimize early marriage and that it introduce mechanisms to register all marriages, especially in rural and remote areas and among indigenous populations.**

### Beijing Declaration and Platform for Action

53. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

### Dissemination

**54. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Congress of the Union and the judiciary, to enable their full implementation.**

**Follow-up to the concluding observations**

**55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 24 (c), (d), (e) and (h) above.**

**Preparation of the next report**

**56. The Committee requests the State party to submit its tenth periodic report, which is due in July 2022. The report should be submitted on time and cover the entire period until the time of its submission.**

**57. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**